



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AE
F. #2023R00063

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 2, 2023

By FedEx and ECF
Robert Del Giorno, Esq.
Garfunkel Wild, P.C.
111 Great Neck Road
Great Neck, New York 11021

Re: United States v. Chi Kwan Wong,
Criminal Docket No. 23-88 (HG)

Dear Counsel:

Enclosed please find a thumb drive containing the government's additional discovery (the "Production") (DOJ_0050942 through DOJ_0069426). The Production has been encrypted, and the password will be sent to you separately by email. The contents of the Production have been designated "confidential" under the terms of the Protective Order in this case that was agreed to and acknowledged by you and entered by the Court. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Documents and Tangible Objects

1. Medicare and Medicaid Documents and Data

Documents and data concerning Medicare and Medicaid claims, including summaries and analyses from the Medicare Drug Integrity Contractor ("MEDIC") and documents received from Safeguard Services ("SGS") are located in folders labeled accordingly.

2. Documents from Third Parties

The government has obtained documents and records from multiple third-party sources. Included in the production are folders containing the following documents, which are labeled accordingly:

- 1) Accountant records;
- 2) Corporate records;
- 3) Property records;
- 4) Records concerning pharmacy benefit managers (“PBMS”), including prior authorization records;
- 5) Pharmacy business records;
- 6) Financial records;
- 7) Patient files and medical records, including an index of patient name and date of birth;

Enclosed with these materials are affidavits and declarations concerning the authenticity of records as business records, pursuant to Federal Rules of Evidence 803(6) and 902(11), and the government intends to proffer those records into evidence at trial as self-authenticating. See United States v. Komasa, 767 F.3d 151 (2d Cir. 2014).

3. Search Warrant Returns

The Production includes certain materials obtained from and relating to searches of premises and one or more electronic devices. These materials contain communications with the defendant. Included with these materials are inventories and logs of the seized items, including seized computers, hard drives and other electronics. If you wish to inspect or review any original materials, please contact me to discuss and arrange a time to review seized materials. If you would like a copy of any of the computers, drives or electronic devices identified in the inventories or logs, please contact me to discuss the specifications of the hard drive(s) to be provided. The Production also includes the corresponding search warrants and/or affidavits.

4. Electronic Devices and E-mails

The Production includes certain materials from an individual’s phone and email account (identified in the folder name). An additional copy or extract of that phone can be made available for your review upon request. Please contact me to discuss the specifications of the hard drive(s) to be provided.

5. Recordings

The government is making available to you audio and visual recordings. An index of these materials is included here as Attachment A (which is also designated “Confidential”). Please contact me to discuss providing you with a copy of these materials or a subset of these materials. For your convenience, the Production contains summary translations of certain of these recordings.

II. The Defendant's Required Disclosures

The government hereby renews its request for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public

authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Very truly yours,

BREON PEACE
United States Attorney
Eastern District of New York

GLENN S. LEON
Chief
Criminal Division, Fraud Section
U.S. Department of Justice

By: /s/ Andrew Estes
Andrew Estes
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Enclosures (by FedEx only)

cc: Clerk of the Court (HG) (by ECF) (without enclosures)